

ASSEMBLY BILL

No. 1305

Introduced by Assembly Member Sharon Runner

February 22, 2005

An act to amend Section 629.51 of the Penal Code, relating to wiretaps.

LEGISLATIVE COUNSEL'S DIGEST

AB 1305, as introduced, Sharon Runner. Wiretaps.

Existing law defines "wire communication" as any transfer of the human voice made with the aid of specified connections between the point of origin and point of reception, furnished by specified persons or facilities. The definition also includes the electronic storage of these communications.

This bill would delete storage of these communications from the definition.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 629.51 of the Penal Code is amended to
- 2 read:
- 3 629.51. For the purposes of this chapter, the following terms
- 4 have the following meanings:
- 5 (a) "Wire communication" means any aural transfer made in
- 6 whole or in part through the use of facilities for the transmission
- 7 of communications by the aid of wire, cable, or other like
- 8 connection between the point of origin and the point of reception
- 9 (including the use of a like connection in a switching station),

1 furnished or operated by any person engaged in providing or
2 operating these facilities for the transmission of communications;
3 ~~and the term includes any electronic storage of these~~
4 ~~communications.~~

5 (b) “Electronic pager communication” means any tone or
6 digital display or tone and voice pager communication.

7 (c) “Electronic cellular telephone communication” means any
8 cellular or cordless radio telephone communication.

9 (d) “Aural transfer” means a transfer containing the human
10 voice at any point between and including the point of origin and
11 the point of reception.